

Application No.: 10/817,259
Amdt dated: July 11, 2007
Reply to Office action of April 11, 2007

REMARKS/ARGUMENTS

This Amendment is in response to the Office action of April 11, 2007. Claims 1, 4-6 and 9 have been amended. Claim 13 has been canceled without prejudice and/or disclaimer. New claims 14-20 have been added. Claims 1-12 and 14-20 are pending in the application.

Specification

On page 3 of the action, the abstract of the disclosure is objected to because of its undue length. Accordingly, the abstract has been amended to reduce the length of the abstract. Thus, reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claim Rejection – 35 USC §102

On page 4 of the action, Claims 1-3, 5-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,931,058 to Cooper. On page 7 of the action, Claims 6-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,817,604 to Smith, III (hereinafter "Smith"). Applicant respectfully traverses these rejections.

Applicant notes that Claim 4 was not rejected with neither Cooper nor Smith cited against claim 4. Independent claims 1 and 6 have been amended to incorporate the feature of claim 4. Claim 1 as amended recites that the resilient pad is molded onto the one of the jaws and the at least one rib. Claim 6 as amended provides that a resilient pad covers the at least one second rib. Accordingly, as claim 4 was not rejected and the cited references, Cooper and Smith, do not teach or suggest the features provided in claims 1 and 6, these claims are believed to be allowable. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

However, if a new rejection is needed, Applicant requests a non-final action as the amendment merely places Claim 4 in independent form, such an amendment does

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not necessitate such a new rejection to make the action Final. (see MPEP 706.07(a)).

Since claims 2-5 depend from claim 1, and contain additional limitations that are patentably distinguishable over the references of record, claims 2-5 are also believed to be patentable. Also, since claims 7-12 depend from claim 6, and contain additional limitations that are patentably distinguishable over the references of record, claims 7-12 are also believed to be patentable. Reconsideration and withdrawal of the rejections of these claims are therefore respectfully requested.

New **claims 14-20** describe other aspects of the invention. For example, new claim 14 provides that a surgical clip comprises a first and second jaw connected to the housing with the second jaw having a second planar surface facing towards the first planar surface of the first jaw and a rib extending out from the second planar surface towards the first planar surface. A pad is attached to the second planar surface having a first portion extending from the rib along the second planar surface and a second portion extending from the outer surface of the housing adjacent to the rib to the first portion of the pad with the second portion of the pad having a width smaller than a width of the first portion of the pad.

Claim 15, depending from claim 14, provides a second rib extending out from the first planar surface towards the second planar surface, the second rib aligned over the second portion of the pad. Claim 16, depending from claim 15, provides a second pad attached to the first planar surface extending along the first planar surface and covering over the second rib. Claim 17, depending from claim 14, provides a second rib extending out from the second planar surface towards the first planar surface and next to the first rib, the second portion of the pad extending between the first rib and the second rib. Claim 18, depending from claim 17, provides a third rib extending out from the first planar surface towards the second planar surface, the third rib aligned over the second portion of the pad. Claim 19, depending from claim 18, provides a second pad

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is attached to the first planar surface extending along the first planar surface and covering over the third rib. Claim 20, depending from claim 19, provides that the first pad and second pad abuts the outer surface of the housing.

The cited references do not describe or suggest such a surgical clip with the recited features in new claims 14-20. Accordingly, claims 14-20 are believed to be patentable.


Applicant also notes that claimed features recited in new claims 14-20 are drawn to a surgical clip in accordance with the elected species. Accordingly, new claims 14-20 are believed readable on the elected species. If, however, based on this amendment the Examiner believes a different election/restriction requirement is required and/or selection of claims, Applicant reserves the right to change/traverse the election of species and claims directed thereto.

Conclusion

In view of the foregoing remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of claims 1-12 and 14-20 are respectfully requested. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Sincerely

APPLIED MEDICAL RESOURCES

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